

Fitzgerald & Associates, P.C.  
By Nicholas Fitzgerald Esq.  
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Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY -- NEWARK  
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**Chapter 13**

In re:

Case No. 25-12154-SLM

David Lambert Sr.,

Debtor

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**ATTORNEY'S RESPONSE TO MORTGAGEE'S OBJECTION TO CONFIRMATION OF PLAN**

I, Nicholas Fitzgerald, the above named debtor's counsel, hereby responds to the mortgagee's objection to the confirmation of the debtor's payment plan as follows:

1. The mortgagee's counsel objects to the confirmation of the debtor's payment plan on the ground that it claims that the debtor is \$84,224.74 behind on his mortgage payments as opposed to the \$65,500 estimated as being in arrears by the debtor's counsel and on the further grounds that the debtor allegedly has insufficient income to file a feasible plan.

2. This is an unusual case as it is the only case which I have filed in over 30 years of practicing bankruptcy law wherein my client in a Chapter 13 case had over seven million dollars in investments which could be readily converted into cash.

3. The debtor, who is in his early 70's and who in my opinion is fully mentally competent, informed counsel that he had fallen behind on his mortgage payments due to inadvertence and depression.

4. I explained the debtor's financial situation to opposing counsel and I specifically requested from the mortgagee's counsel that the mortgagee provide me with a statement regarding the total amount owed on the debtor's mortgage because the debtor has the financial ability to simply pay off the entire amount owed on his mortgage in one lump sum. Despite my request, the information was not provided to me.

5. I checked the docket and to date the mortgagee still has **not** filed a proof of claim.

6. Assuming that the debtor doesn't just pay the entire amount owed on the mortgage in one lump sum, the debtor has significant income from investment income from which he will be able to fund the plan. Moreover, despite the fact that the debtor is over 70 years old, because he didn't need the money, the debtor has not even bothered to commence collecting social security benefits. Once he applies for those benefits, he will have yet another source of income so his plan is clearly feasible.

Dated: March 18, 2025



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Nicholas Fitzgerald  
Debtor's Counsel

**Exhibit -- Copy of March 3, 2025 Letter to Opposing Counsel**

**FITZGERALD & ASSOCIATES, P.C.**

NICHOLAS FITZGERALD  
\*Admitted in NJ and NY

**NICHOLAS FITZGERALD**

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March 3, 2025

KLM Law Group, P.C.  
Attn: Denise Carlon, Esq.  
70 Market Street, Suite 5000  
Philadelphia, PA 19106

Subj: In re David Lambert, Chapter 13 Bankruptcy Case No.  
25-12154-SLM -- Date Case Filed: March 2, 2025

Dear Ms. Carlon:

This letter is to request your help in regards to the above-entitled matter.

Your law firm represents the mortgagee in regards to the debtor's property located at 21 Wedgewood Drive, West Orange, NJ 07052 and the filing of this bankruptcy case stopped the sheriff's sale which was originally scheduled to take place tomorrow -- March 4, 2025.

The reason that I am writing to you is that this is an unusual case because Mr. Lambert has over seven million dollars in investments. According, Mr. Lambert would like to emerge from bankruptcy by simply paying the entire amount owed on the mortgage.

The help which I need from you is the following. Could you please provide me with the exact payoff amount owed on the entire mortgage, including legal fees and costs, etc. and also could you provide me with the exact name of the entity to which that payment should be made? Once I obtain that information from you, Mr. Lambert will provide me with a certified check which I will personally mail out on his behalf.

Very truly yours,

Nicholas Fitzgerald

NF/nt

cc: File

Client

Direct number is (201) 549-2363 -- Internal Extension is  
2363

her email is: dcarlon@kmlawgroup.com  
DCarlon@kmlawgroup.com